

REMARKS

This is in response to the Office Action mailed May 16, 2003. Claims 1-28 are pending in the application. Claims 2-8, 10, 12, 13, 15, 16, 18-21, 22 and 24-28 are withdrawn from consideration as set forth by the Examiner. Claims 1, 9, 11, 14, 17, 19, 20 and 23 have been examined. Applicants respond to the rejection of claims 1, 9, 11, 14, 17, 19, 20 and 23 as follows.

**Response to rejection of claims under 35 U.S.C. § 112**

Claims 17 and 19 were rejected under 35 U.S.C. § 112, Second Paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, claims 17 and 19 were rejected on the basis that the phrase "the flow gate" lacks positive antecedent basis. Claim 17 does not recite a flow gate and accordingly, the rejection of claim 17 based on the failure to provide proper antecedent basis for the term "the flow gate" is improper. Claims 19 and 20 have been amended to recite "a flow gate" and accordingly, Applicants respectfully request reconsideration and allowance of claim 19 under 35 U.S.C. § 112, Second Paragraph.

**Response to claim rejections - 35 U.S.C. § 102**

Claims 1, 9, 14, 17, 19, 20 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kawaguchi, JP 04-098671A. Claims 1, 17 and 23 are independent and claims 9 and 14 depend from claim 1 and claims 19-20 depend from claim 17. As amended, claim 1 recites *inter alia* a flow controller including a leading edge having a plurality of inlets and a trailing edge including a plurality of outlets and including a plurality of streamlined flow passages between the plurality of inlets and the plurality of outlets which is not taught nor suggested by Kawaguchi. In particular, Kawaguchi discloses a spoiler including outlet ports and an air flow in-port (such as port 16, coupled to tube 14 of FIG. 1) and does not teach or suggest each

of the recited elements now claimed. Further, as amended, in claim 14, flow passages are curved between the inlet and outlet which is not taught by Kawaguchi.

Claims 17 and 19-20 recite *inter alia* a flow device including a plurality of streamlined flow passages having a curved or arched contour which is not taught nor suggested by Kawaguchi. Claim 23, as amended, similarly recites a flow device having a leading edge having a plurality of inlets and a trailing edge including a plurality of outlets and a plurality of flow passages therebetween which is not taught nor suggested by Kawaguchi as previously discussed.

**Response to claim rejections - 35 U.S.C. § 103**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawaguchi. Claim 11 is dependent upon claim 1 which, as previously discussed, is not taught nor obvious in view of Kawaguchi.

**Request for consideration of withdrawn claims**

Claims 18 and 21 were withdrawn by the Examiner on the basis of their dependency upon claim 16. Claims 18 and 21 have been amended to depend upon claim 17 and consideration and allowance thereof are respectfully requested. Withdrawn claims 25-28 have been amended to depend upon claim 23, not claim 16, and accordingly, reconsideration and allowance thereof are respectfully requested. Withdrawn claims 2 -6 are generic and consideration and allowance thereof are respectfully requested. Applicants respectfully request allowance of the withdrawn claims based upon allowance of a generic claim.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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